

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANNY JONES,

Petitioner,

v.

DAVID BAUGHMAN,

Respondent.

No. 2:21-cv-02241-TLN-KJN

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 20, 2022, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner was granted thirty-day extensions of time to file objections on December 5, 2022, and February 2, 2023. Neither party filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court

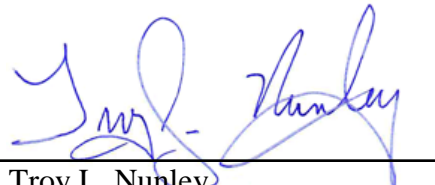
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1 reviewed the file and finds the findings and recommendations to be supported by the record and
2 by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed October 20, 2022 (ECF No. 14), are
5 ADOPTED IN FULL;
6 2. Respondent's motion to dismiss (ECF No. 9) is GRANTED;
7 3. The petition is DISMISSED as barred by the statute of limitations; and
8 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C.
9 § 2253.

10 **Date: March 27, 2023**

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United States District Judge
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